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9 *Attorneys for Defendants MindGeek*
10 *S.à.r.l (specially appearing), MG*
Freesites Ltd, MG Premium Ltd,
11 *MindGeek USA Incorporated, MG Global*
Entertainment Inc., and 9219-1568
12 *Quebec Inc.*

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15 K.A.,

16 Plaintiff,

17 v.

18 MINDGEEK S.A.R.L. a foreign entity;
19 MG FREESITES LTD, a foreign entity;
MINDGEEK USA INCORPORATED, a
20 Delaware corporation; MG PREMIUM
LTD, a foreign entity; MG GLOBAL
21 ENTERTAINMENT INC., a Delaware
corporation; 9219-1568 QUEBEC, INC.,
22 a foreign entity; BERND BERGMAIR, a
foreign individual; FERAS ANTOON, a
23 foreign individual; DAVID TASSILLO,
a foreign individual; VISA INC., a
24 Delaware corporation; REDWOOD
CAPITAL MANAGEMENT, LLC, a
25 Delaware limited liability company;
REDWOOD DOE FUNDS 1-7;
26 COLBECK CAPITAL
MANAGEMENT, LLC, a Delaware
27 limited liability company; COLBECK
DOE FUNDS 1-3,

28 Defendants.

Case No. 2:24-cv-04786-WLH-ADS

**DECLARATION OF ESTEBAN
MORALES FABILA IN SUPPORT
OF JOINT STIPULATION TO
REQUEST LIMITED
COORDINATION FOR PURPOSES
OF RESPONDING TO
COMPLAINTS IN RELATED
CASES**

Judge: Hon. Wesley L. Hsu

Complaint Filed: June 7, 2024

Trial Date: None Set

1 I, Esteban Morales Fabila, declare and state as follows:

2 1. I am a Member of the law firm of MINTZ LEVIN COHN FERRIS
3 GLOVSKY AND POPEO P.C. (“Mintz”), counsel of record for Defendants
4 MindGeek S.à.r.l., MG Freesites Ltd, MindGeek USA Incorporated, MG Premium
5 Ltd, MG Global Entertainment Inc., and 9219-1568 Quebec Inc. I am over the age
6 of eighteen. Except for those matters set forth on information and belief, I make this
7 declaration of my own personal knowledge. I could and would competently testify
8 as to the matters set forth below if called upon to do so.

9 2. Between June 7, 2024 and August 20, 2024, counsel for Plaintiff filed
10 the following fourteen actions in this Court (including this case, the “Fourteen
11 Actions”), each of which name the same defendants:

- 12 • *K.A. v. MindGeek S.A.R.L. et al.*, 24-cv-04786;
- 13 • *N.L. v. MindGeek S.A.R.L. et al.*, 24-cv-04788;
- 14 • *T.C. v. MindGeek S.A.R.L. et al.*, 24-cv-04795;
- 15 • *X.N. v. MindGeek S.A.R.L. et al.*, 24-cv-04800;
- 16 • *N.Y. v. MindGeek S.A.R.L. et al.*, 24-cv-04801;
- 17 • *L.T. v. MindGeek S.A.R.L. et al.*, 24-cv-04791;
- 18 • *J.C. v. MindGeek S.A.R.L. et al.*, 24-cv-04971;
- 19 • *W.L. v. MindGeek S.A.R.L. et al.*, 24-cv-04977;
- 20 • *C.S. v. MindGeek S.A.R.L. et al.*, 24-cv-04992;
- 21 • *S.O. v. MindGeek S.A.R.L. et al.*, 24-cv-04998;
- 22 • *L.S. v. MindGeek S.A.R.L. et al.*, 24-cv-05026;
- 23 • *W.P. v. MindGeek S.A.R.L. et al.*, 24-cv-05185;
- 24 • *A.K. v. MindGeek S.A.R.L. et al.*, 24-cv-05190; and
- 25 • *J.L. v. MindGeek S.A.R.L., et al.*, 24-cv-07046.

26 3. In 13 of the 14 cases, the Court entered an Order Granting Joint
27 Stipulation Re Briefing Schedule for Defendants’ Motion to Dismiss that set
28 October 15, 2024 as Defendants’ deadline to answer, move, or otherwise respond to

1 each complaint, and set January 10, 2025 as the hearing date for motions filed in
2 response to each complaint.

3 4. The case styled *J.L. v. Mindgeek S.à.r.l. et al.*, Case No. 2:24-cv-07046
4 WLH(ADSx) (C.D. Cal. Aug. 20, 2024), was filed after the Court’s Order granting
5 the parties’ prior stipulation, and deadlines to respond to the complaint have not
6 been set for all of the Defendants in *J.L.*

7 5. The complaints in the 14 cases contain substantially similar allegations
8 and causes of action.

9 6. In addition to the Fourteen Cases, there is another related case—
10 *Fleites v. MindGeek, S.à.r.l, et al.*, Case No. 2:21-cv-04920-WLH-ADS (C.D. Cal.
11 June 17, 2021) (“*Fleites*”)—in which motions to dismiss have been filed that are
12 scheduled to be heard on November 22, 2024.

13 7. Given the length and complexity of each complaint, and in the interest
14 of judicial economy, efficient case management, and to conserve the resources of
15 the over 30 parties involved in these 14 related cases, good cause exists to (a) set
16 October 21, 2024 as the deadline for each of the Defendants to answer, move, or
17 otherwise respond to the complaints in each of the 14 actions; (b) in each of the 14
18 related cases, allow each defense counsel to file a single omnibus motion to dismiss
19 for the parties that they each represent which may incorporate by reference the
20 arguments made in the parties’ motions to dismiss filed in the *Fleites* case;
21 (c) allow Plaintiffs’ counsel to file a single omnibus opposition to the collective
22 motions to dismiss filed by Defendants in the 14 related cases, which may
23 incorporate by reference the arguments made by the Parties in the motion to dismiss
24 briefing in the *Fleites* case; (d) allow each defense counsel to file one omnibus
25 reply to each motion to dismiss filed in the 14 related cases; (e) set a briefing and
26 hearing schedule in the 14 related cases for the omnibus motions to dismiss, with
27 the motions filed in each case being heard on the same hearing date; (f) increase the
28 page limit for each omnibus motion to dismiss to 50 pages and each omnibus reply

1 to 35 pages given the length and complexity of the complaints and the number of
2 related cases; and (g) increase the page limit for Plaintiffs' omnibus opposition to
3 85 pages given the length and complexity of the complaints, number of related
4 cases, and the number of motions to dismiss.

5 8. Accordingly, the Parties now respectfully request that the Court grant
6 this stipulation and enter the following schedule:

7 **October 21, 2024:** Each Defendant's Deadline to Answer, Move, or
8 Otherwise Respond to the Complaints;

9 **November 26, 2024:** Plaintiff's Deadline to Respond to each
10 Defendant's Answer, Motion, or Response (if and
11 as applicable);

12 **December 17, 2024:** Each Defendant's Deadline to File Replies (if and
13 as applicable);

14 **January 10, 2025:** Proposed Hearing on Each Defendant's Answer,
15 Motion or Response (if and as applicable).

16 9. The undersigned respectfully submits given the length and complexity
17 of each complaint, and in the interest of judicial economy, efficient case
18 management, and to conserve the resources of the over 30 parties involved in these
19 14 related cases, good cause exists for the entry of this stipulation.
20

21 I declare under penalty of perjury under the laws of the United States that the
22 foregoing is true and correct.

23 Executed on October 4, 2024, in Los Angeles, California.

24 /s/ Esteban Morales Fabila
25 Esteban Morales Fabila
26
27
28

CERTIFICATE OF SERVICE

I, the undersigned counsel of record for Defendants MindGeek S.à.r.l., MG Freesites Ltd, MindGeek USA Incorporated, MG Premium Ltd, MG Global Entertainment Inc., and 9219-1568 Quebec Inc., certify that the foregoing instrument was served pursuant to the Federal Rules of Civil Procedure on October 4, 2024 upon all counsel of record via ECF.

Dated: October 4, 2024

MINTZ LEVIN COHN FERRIS
GLOVSKY AND POPEO P.C.

/s/ Esteban Morales Fabila
Esteban Morales Fabila

*Attorney for Defendants MindGeek
S.à.r.l., MG Freesites Ltd, MindGeek
USA Incorporated, MG Premium Ltd,
MG Global Entertainment Inc., and
9219-1568 Quebec Inc.*